

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KATHERINE WILLIAMS,
Plaintiff,

v.

JOHN E. POTTER,
Defendant.

No. C 08-00026 WHA

**ORDER DENYING REQUEST
FOR APPOINTMENT OF
COUNSEL**

The Court is in receipt of plaintiff's request for appointment of counsel in this employment discrimination action brought pursuant to Title VII of the Civil Rights Act of 1964. Because plaintiff is not an indigent litigant who may lose her physical liberty if she loses the litigation, there is no right to appointment of counsel in this case, *see Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981), nor are funds available to compensate appointed counsel.

In employment actions brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, pro bono counsel may be appointed "[u]pon application by the complainant and in such circumstances as the court may deem just." 42 U.S.C. § 2000e-5(f)(1)(B). The court must assess three factors under this section: "(1) the plaintiff's financial resources, (2) the efforts made by the plaintiff to secure counsel, and (3) whether the plaintiff's claim has merit." *Bradshaw v. Zoological Soc. of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981) (citations omitted).


In this district, if the court finds that the plaintiff meets the above-stated criteria, the court may refer the plaintiff's case to the Federal Pro Bono Project, which will attempt to locate

1 a volunteer attorney to represent the plaintiff. The Federal Pro Bono Project will attempt to
2 secure representation only for indigent Title VII plaintiffs or indigent incarcerated plaintiffs
3 bringing civil rights actions.

4 Although plaintiff has made a showing of lack of financial resources, she has not
5 demonstrated substantial efforts to secure counsel. For this reason alone, the court will not refer
6 the case to the Federal Pro Bono Project at this time. Accordingly, plaintiff's request is
7 **DENIED** without prejudice.

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10 **IT IS SO ORDERED.**

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12 Dated: March 25, 2008.

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15 WILLIAM ALSUP
16 UNITED STATES DISTRICT JUDGE
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